



Municipality of Brockton
Planning Report

Application: Zoning By-Law Amendment
File Number Z-54-18.34
Date: November 19, 2018

To: Mayor Inglis and Council, Municipality of Brockton
From: John Ghent, Planner for the Municipality of Brockton
Subject: Rezoning Application from Tyler Strong for a change to the ACI-23 zone.

Recommendation:

Subject to the submissions from the Public Meeting:

The Bruce County Planning Department recommends that the Municipality of Brockton **Approve** the proposed Zoning By-law Amendment submitted by T Strong, File: Z-54-18.34 and approve the attached site-specific By-law.

Reasons for and Nature of the Application:

The application proposes to rezone the 1.13 ha lot on Bruce Road 10 by changing the existing ACI-23 zone to continue to permit the existing use (retail shop) but also permit the full range of ACI uses and a trades person's shop. Regulations applying to the site would be changed to recognize the existing front yard and northerly side yard.

Location:

The lands proposed to be rezoned are located on the west side of Bruce Road 10 approximately 1 km north of Hanover.

The municipal address is 013604 Bruce Road 10.

Site Description:

The lands proposed for development are 1.13 ha in area with a frontage of 63 m. The existing building on the property has an area of 240 m².

A Hydro One Transmission corridor traverses the rear two-thirds of the lot in a diagonal alignment. The lands to the north, south and further to the west are in agricultural use. Across Bruce Road 10 to the east, the lands are used for a variety of non-agricultural, highway commercial purposes.

The lands are classified under the Canada Land Inventory as Class 3 for agricultural capability.

The lot appears to have existed since at least 1988.

Details of Proposal:

The land on which the zoning amendment is proposed is currently zoned 'Agricultural Commercial Industrial Special (ACI-23)'. The rear portion (approximately 20 m) is zoned 'Environmental Protection (EP)'. The zoning on the property is also subject to the Saugeen Airport overlay.

The ACI-23 zone permits only a 'retail shop' as it existed on the day of the passage of the by-law and in accordance with the ACI zone provisions.

The applicant is proposing to build, at some point in the future, a 242 m2 (2600 sq ft) structure. The proposal is to change the ACI-23 zone as follows:

Uses - In addition to the Retail Store use that is currently permitted and which will be limited to 90 m2, to also permit a Trade Person's Shop and the full range of ACI uses which includes the following:

- Accessory apartment dwelling,
- Abattoir
- Bulk Sales Establishment - Agricultural
- Farm Implement Establishment
- Feed Mill & Elevator
- Food Processing, Primary
- Livestock Assembly Yard
- Nursery
- Portable Asphalt Plant or Portable Concrete Plant
- Veterinary Clinic
- Wayside Pit or Wayside Quarry

Provisions - develop the land in accordance with the existing ACI regulations except for the following:

Provision	Required	Proposed
Front yard, minimum	15 m	10.7 m (existing)
Side yard, northerly, minimum	10 m	9 m (existing)

The 'Environmental Protection (EP)' zone will remain unchanged.

Summary:

The **Provincial Policy Statement (PPS)** seeks to protect agricultural lands for long-term agricultural uses. Agricultural related uses are also permitted. The Agricultural Commercial Industrial zone permits agricultural related uses and therefore the proposed change is generally consistent with the PPS. This acknowledges that the zoning for the site already permits a retail use. It is also in recognition that the existing property is only 1.1 ha in area, that the bulk of the land is affected by the hydro corridor and therefore the opportunity for agricultural activity is limited.

Under the **Bruce County Official Plan**, the lands are designated 'Agricultural Area'. The agricultural policies permit farm-related commercial and industrial uses that are directly related to farming

operations. The proposed zoning change on the subject 1.1 ha property will not substantially change the way the use relates to the broader area.

The application is consistent with the Provincial Policy Statement (PPS), and generally conforms to the County Official Plan.

Staff support the application and recommend the proposed zoning amendment be approved.

Agency Circulation:

- Brockton - no concerns or objection
- Historic Saugeen Metis - no objection or opposition
- SVCA - the application is acceptable to the SVCA
- Bruce-Grey Catholic DSB - no comments
- Transportation - no comments
- Grey County - no comment received
- West Grey Municipality - no comment received

Comment: No issues or concerns have been identified by the commenting agencies.

Public Comment:

At the time of preparing this report, no comments or submissions had been received from the public.

Provincial Interest - Policy Statement or Plans

Under Section 3(5) of the *Planning Act*, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS).

The PPS has specific policies relating to agricultural areas:

- *Prime agricultural areas* shall be protected for long-term use for agriculture (Section 2.3.1)
- Permitted uses - In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses* and *on-farm diversified uses* (Section 2.3.3.1)

Proposed *agriculture-related uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives. (Section 2.3.3.1)

Agricultural-related uses are defined to mean:

“means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”.

Comment:

It is recognized that the property exists at an area of 1.1 ha and that the existing use permitted (retail shop) is not primarily an agricultural related use. The previous zoning afforded no

opportunity to move to a viable agricultural related use. The proposed zoning change, which would permit agricultural related uses, provides an opportunity to achieve a greater degree of consistency with the PPS. The proposed use would not affect the adjacent farming operations.

An overview of the PPS policies is provided in the appendices.

Bruce County Official Plan

The Bruce County Official Plan designates the overall property in two classifications: Agricultural Area and Hazard Land Area. The majority of the land and the portion proposed for the zone change is designated Agricultural Area.

A smaller portion of land adjacent to the to the rear of the site is designated 'Hazard Land Area'. The Hazard land is not close to the area to be developed and would not be affected by the proposal. The OP policies related to Hazard Lands are not reviewed further.

Agricultural Uses (Section 5.5.4.1):

In addition to the full range of agricultural uses being permitted, the agricultural policies also permit farm-related commercial and industrial uses that are directly related to the farm operation and need to be close proximity to the farm operations.

Farm related Commercial and industrial Uses (Section 5.5.9):

Small scale industrial and commercial development directly related to, and compatible and supportive of, an agricultural operation may be permitted. Four policies relating to farm-related industrial / commercial uses are identified in the Plan:

- The use cannot reasonably be located in an urban, rural or hamlet industrial area and it must be located adjacent to an agricultural operation;
- Conformity with the MDS formula;
- Large volumes of water not required and no large volumes of effluent;
- Suitable buffering from adjacent residential use

Comment:

The existing lot and the proposed development, would be considered small scale, is in conformity with the MDS formula, would not require large volumes of water, and is suitably buffered from adjacent residential uses.

It is recognized that the property exists and that the use permitted (retail shop) is not primarily an agricultural related use. The previous zoning afforded no opportunity to move to a viable agricultural related use. The proposed zoning change, which would permit agricultural related uses, provides an opportunity to achieve a greater conformity with the Official Plan.

Local Planning Documents - Zoning:

Under the Brockton Zoning By-law, the lands are zoned 'Agriculture Commercial Industrial, ACI-23' which permits a Retail Shop. The term 'Retail Shop' is no longer a defined term in the Brockton zoning by-law and appears to be replaced with 'Retail Store'.

The Environmental Protection (EP)' would not be changed.

A zoning amendment is necessary to:

- rezone the lands as ACI-23 to permit the proposed uses;

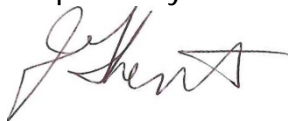
- change the regulations relating to development with respect to the front yard and northerly side yard; and
- limit the Retail Store use to 90 m2 (the existing floor area is 240 m2).

Planning Comment / Analysis:

It is recognized that the property exists with an area of 1.1 ha and that the existing use permitted (retail shop) is not an agricultural related use. The existing zoning affords no opportunity for the uses to move to a viable agricultural related use. The proposed zoning change, which would permit agricultural related uses, provides an opportunity to achieve a greater degree of consistency with the PPS and conformity with the Official Plan.

Staff are in support of the application and recommend approval of the site specific amending by-law.

Respectfully submitted,

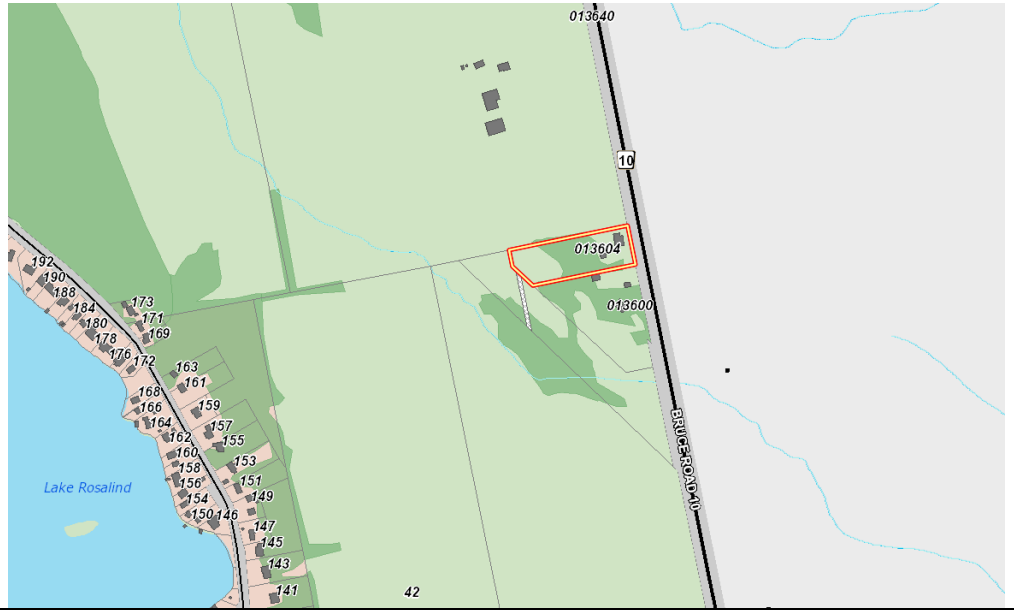


John Ghent, RPP
Planner, County of Bruce Planning and Development Department

Appendix 1 - Background

Development Proposal	The purpose of the application is to permit the uses in the 'ACI' zone and the use permitted under the Special Provisions 'ACI-23' (Retail Shop) and also add a 'Trades Person's Shop' to the permitted uses.
Zoning By-law Amendment	The rezoning will also recognize the existing Minimum Front Yard Setback of +/-10.7 m (35 ft); whereas the required Minimum Front Yard setback is +/- 15 m (49.2 ft); and, to permit a northerly side yard of +/- 9 m (30 ft) whereas the required side yard is +/- 10 m (33 ft).
Related File(s)	None
Owner	Tyler Strong
Agent	N/A
Legal Description	Part of Lot 74, Concession 3 NDR, geographic Township of Brant
Municipal Address	013604 Bruce Road 10
Lot Dimensions	Entire Parcel
Lot Frontage	+/-62.8 m (206 ft)
Lot Depth	+/- 158 m (518.12 ft)
Lot Area	+/- 1.13 ha (2.8 ac.)
Existing Use	Retail store (and hydro power lines)
Proposed Use	Retail store, Trades' Persons shop, Nursery and 'Dwelling, Accessory Apartment'
Structures Existing	One building existing
Structures Proposed	No new structures proposed
Existing Servicing	Private water and private septic
Proposed Servicing	No changes
Access	Bruce Road 10, a year-round County road
County Official Plan	Agricultural Area and Hazard Land Area
Proposed Official Plan	No change
Zoning By-law	Agriculture Commercial Industrial Special (ACI-23) and 'Environmental Protection (EP)', with Saugeen Airport Overlay, Municipality of Brockton By-law 2013-026.
Proposed Zoning By-law	'Agriculture Commercial Industrial Special (ACI-23)'. The 'Environmental Protection (EP)' zone will remain unchanged.
Surrounding Land Uses	Agricultural uses to the North, South and West; Highway Commercial uses to the East.

Subject Lands



Appendix 2 - Provincial Policy Statement 2014

Apply?	Policy Area
	1.0 Building Strong Communities
	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
x	1.1.4 Rural Areas in Municipalities
x	1.1.5 Rural Lands in Municipalities
	1.16 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
	2.1 Natural Heritage
	2.2 Water
x	2.3 Agriculture
x	2.3.3 Permitted Uses
	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
x	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits & Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards

Other Provincial Interests

Ministry	Policy	Comment
MMAH	NA	
MCul	NA	
MOE	NA	
MTO	NA	
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan

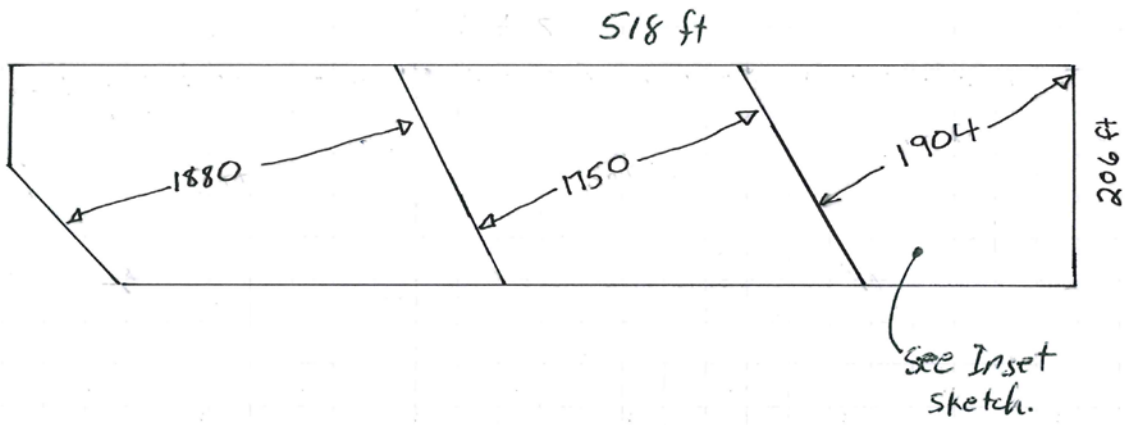
- 5.5 Agricultural Areas
- 5.8 Hazard Land Areas

Municipality of Brockton Zoning By-law 2013-26

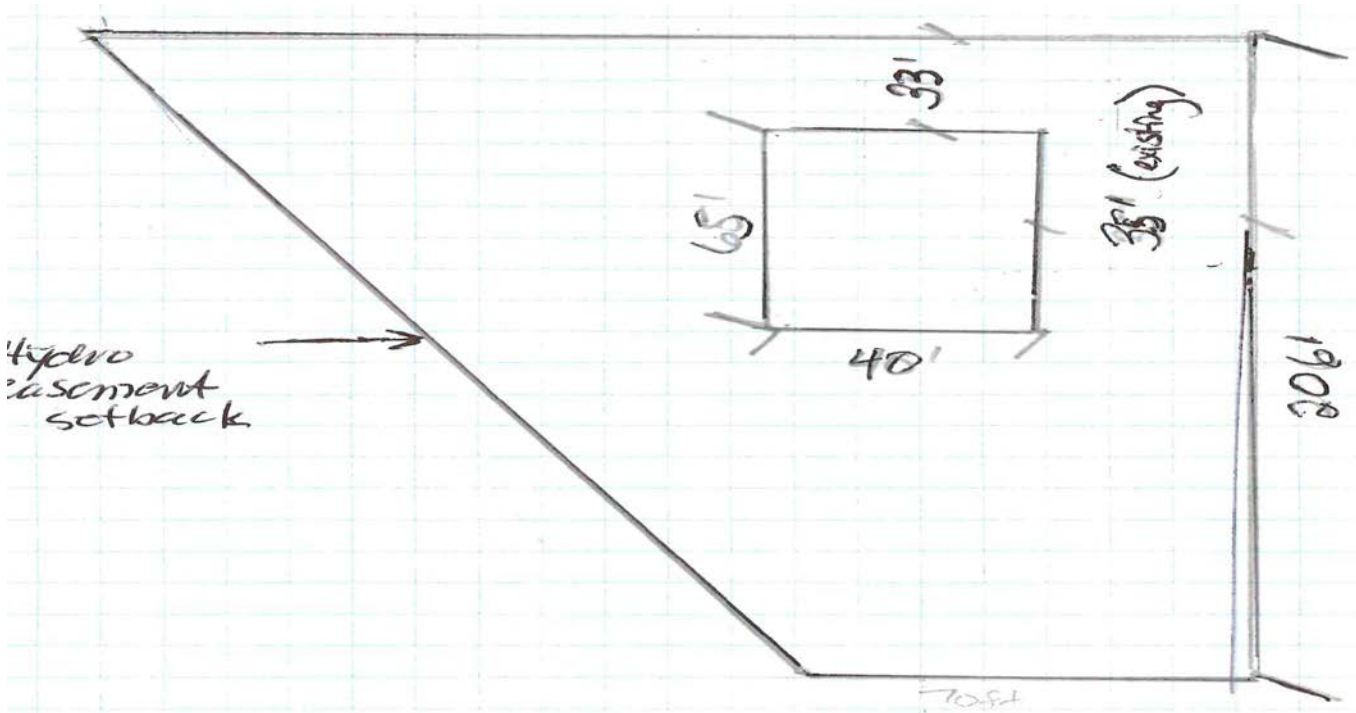
- 17.0 Agriculture Commercial Industrial (AC1)
- 24.0 Environmental Protection (EP)

Appendix 3 - Development Concept

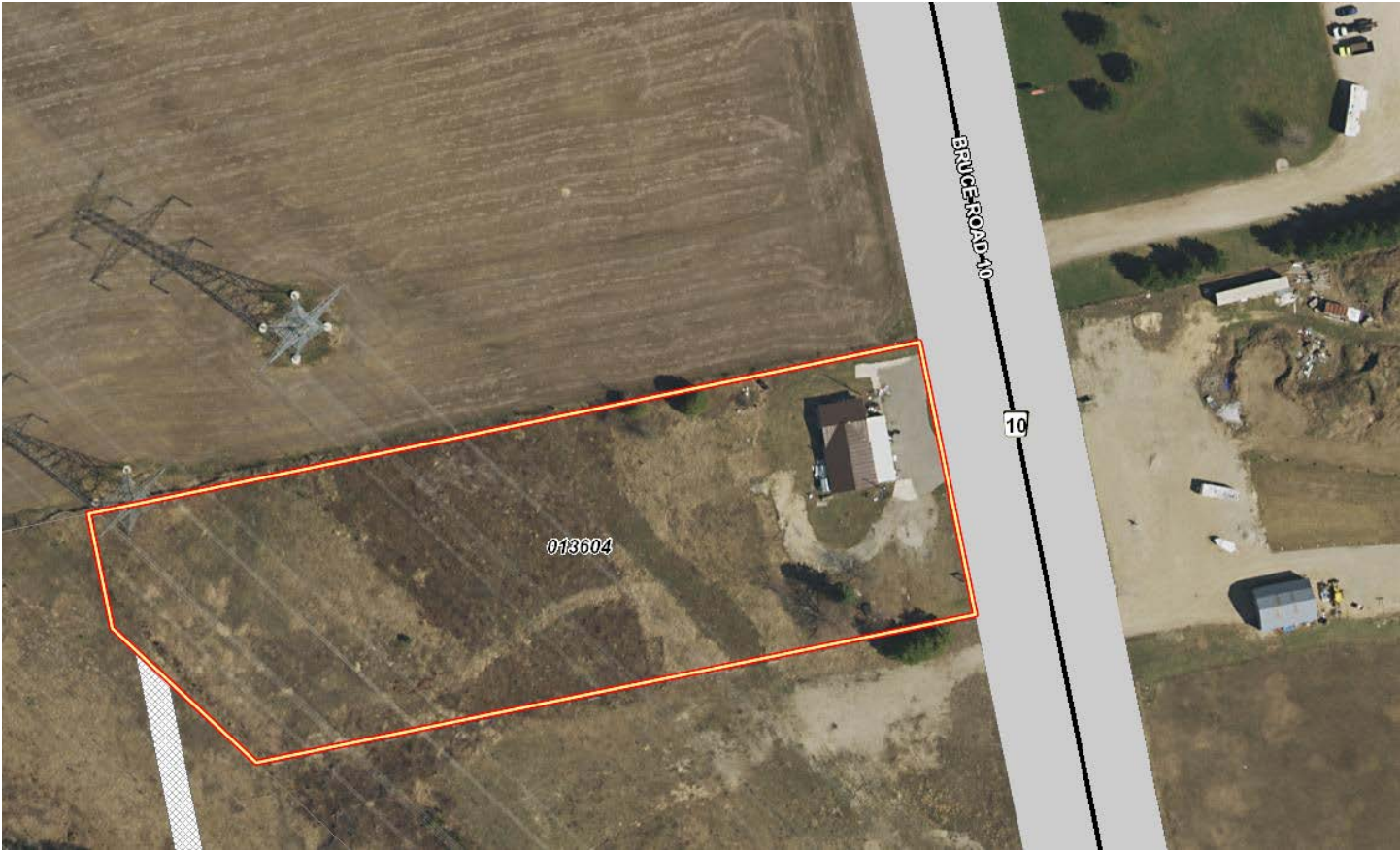
Entire Site



Inset Sketch



Appendix 4 - Air Photo



Appendix 5 - Bruce County Official Plan



Appendix 6 - Brockton Zoning By-law



Appendix 7
Draft Zoning By-law
The Corporation of the Municipality of Brockton
By-law No. 2018 - xxx

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, As Amended,

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. That the Special Provisions for the ACI zone at Section 17.4.23 be deleted and replaced with the 'Uses Permitted' and 'Zone Provisions' established in this by-law.
2. That Schedule 'A' to By-Law No. 2013-26, as amended, is hereby further amended by establishing uses and regulations as they relate to the property at Part of Lot 74, Concession 3 NDR, geographic Township of Brant, Municipality of Brockton, so that the following applies to the lands zoned ACI-23:
 - A) **Uses Permitted - In addition to the ACI uses:**
 - a) Trade Person's Shop;
 - b) Retail Store.
 - B) **Zone Provisions:**

The Zone Provisions established for the ACI zone at Section 17 of the Zoning By-law shall apply except for the following Provisions which shall prevail in the case of conflict:

a) Front Yard, minimum:	10 m
b) Side Yard, northerly, minimum:	9 m
c) Floor Area, Ground, maximum:	242 m ²
d) Floor area of Retail Store, maximum:	90 m ²
3. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

Read, Enacted, Signed and Sealed this _____ day of _____ 2018.

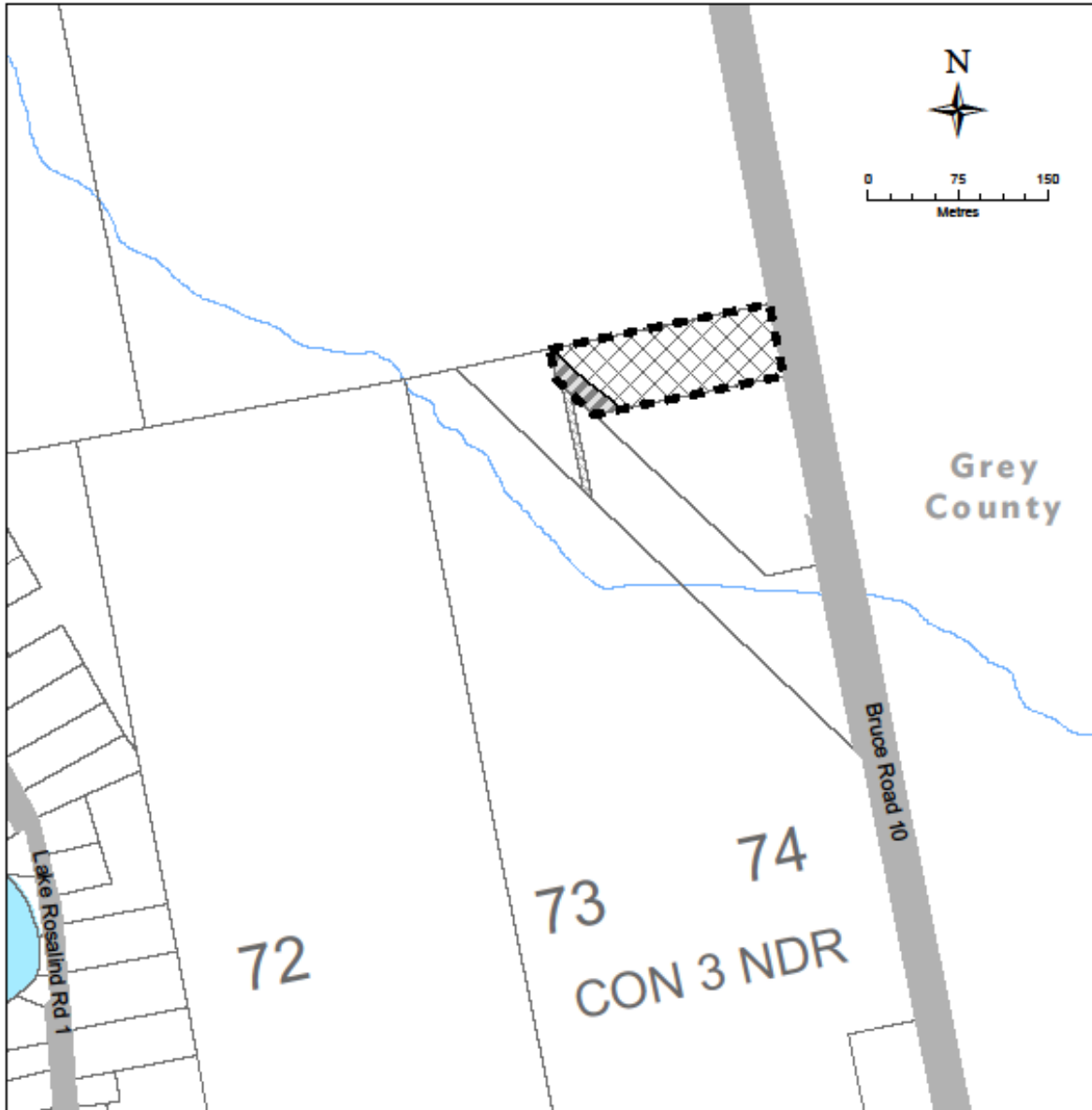
Mayor - David Inglis

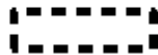


(T. Strong)

CAO/Clerk - Sonya Watson

Schedule 'A'

Part of Lot 74, Concession 3 NDR (013604 Bruce Road 10)
Municipality of Brockton (geographic Township of Brant)



-  Subject Property
-  Lands to be zoned ACI-23 - Agriculture Commercial Industrial Special
-  Lands zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law amendment number _____ passed this _____ day of _____

Mayor _____
Clerk _____

File: Z-54-2018.34

Applicant: Tyler Strong

Date: October, 2018